

**REMARKS****I. STATUS OF THE PENDING CLAIMS**

Claims 22-50 are pending in this application.

Claims 22-29, 32-37 and 39-50 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,028,855 to Distler et al. (“Distler”). Claims 30-31 and 38 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Distler in view of U.S. Patent No. 6,701,210 to Heber et al. (“Heber”).

Claims 22-23, 33 and 44-45 are amended herein. Support for these amendments can be found throughout the application as originally filed, for example, paragraph 44 of the specification. The specification states that an exemplary embodiment as shown in Figure 1 included:

A time or a function dependent time or some other physical variable is used as the command variable  
L. The secondary variable F is, for example, a speed or an nth derivative of the speed on the basis of time.

(Specification, ¶[0044]). Applicants respectfully submit that no new matter is introduced.

**II. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §102(b):**

Claims 22-29, 32-37 and 39-50 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Distler.

A rejection of claims as anticipated under 35 U.S.C. §102(b) requires a showing that each and every claim limitation be identically disclosed in the applied reference. If even one claim limitation is not disclosed in the reference, the claim is patentable over the reference.

Applicants' amended claim 22 recites "wherein the argument variables are of a different type from the function variables." Applicants' amended claim 23 recites a "command variable representing a physical variable that is of a different type from the secondary variable...." Amended independent claims 33 and 44-45 recite similar claim elements.

Distler does not teach or suggest a command variable representing a physical variable that is of a different type from the second variable, or other similar elements, as recited by the currently pending claims. The Office Action relies on Figure 2 of Distler and contends that "clearly one variable is different from the other since one represents movement in the x direction and one represents movement in the y direction." (Office Action, 2). As the Office Action has conceded, both the x and y variables in Distler refer to movement in a particular direction. Moreover, according to Distler, the parameters contemplated in Figure 2 are both of the same type and refer to traveled length of the path of motion. Specifically, Distler describes:

The parameterization of the path of motion is advantageously accomplished with respect to the travelled [sic] path length. This ensures that any ambiguities (different y-values assigned to one x-value) that might exist are avoided. Such ambiguities might occur, for example, in the case of a spiral path which is defined in a cartesian coordinate system. In this example, the x- and y-values should be specified as a function of the path length s.

(Distler, col. 3, lines 8-15).

Therefore, Applicants respectfully request that the §102(b) rejections of claims 22-29, 32-37 and 39-50 be withdrawn.

**III. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §103(a):**

Claims 30-31 and 38 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Distler in view of Heber.

A rejection under 35 U.S.C. §103(a) requires the establishment of a *prima facie* case that the claimed subject matter, including all claim elements, would have been obvious to a person having ordinary skill in the art on the basis of either a single prior art reference or more than one reference properly combined. As no such *prima facie* case has been established for these claims, Applicants respectfully traverse these rejections, as set forth more fully below.

As discussed above, Distler does not teach or suggest a command variable representing a physical variable that is of a different type from the second variable, or other similar elements, as recited by the currently pending claims. Heber also does not teach or suggest this claim element. Heber describes a cam-disk function  $y=f(x)$  generated over a path  $x$ . (See Heber, col. 3, lines 26-27). Heber describes that it may be favorable “when the response at the edges of the cam-disk function is prescribed via criteria referring to the continuity of the position and/or the speed and/or the acceleration of the machine element.” (Heber col. 2, lines 21-24). However, Heber makes no mention of the type of variable described by the cam-disk function itself. Heber does not teach or suggest how the position, speed or acceleration relate to the cam function  $y=f(x)$  and does not reflect the type of variable represented by the cam-disk function.

Therefore, Applicants respectfully request that the §103(a) rejections of claims 30-31 and 38 be withdrawn.

**CONCLUSION**

Based on the foregoing remarks, Applicants respectfully request withdrawal of the rejections of claims and allowance of this application. In the event that a telephone conference would assist in the examination of this application, Applicants invite the Examiner to contact the undersigned at the number provided below.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **50-3732**, Order No. **03869-105012**. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **50-3732**, Order No. **03869-105012**.

Respectfully submitted,  
King & Spalding, LLP

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By: /Wan Chieh Lee/

Wan Chieh Lee

Registration No. 57,297

Customer Number 65989

Correspondence Address:

King & Spalding

1185 Avenue of the Americas

New York, NY 10036-4003

(212) 556-2125 Telephone

(212) 556-2222 Facsimile